

**Remarks**

The Examiner has noted that the Applicants have not filed a certified copy of foreign applications. This is correct. However, the Applicants claim priority only from documents filed in USA. In accordance with 35 USC 119(e)(1), no certified copy is required. The Applicants respectfully request the Examiner's reconsideration.

The Examiner is respectfully requested to reconsider his provisional rejection on the grounds of double patenting with copending USA Application 10/548,926. All of the claims of copending USA Application 10/548,926, as published in US 2006/0168636, recite a memory for recording digital data, and control means for enabling retrieval of said digital data from memory. Nowhere is this subject matter recited in the Claims of the instant application. It is therefore clear that the two applications are patentably distinct, and are therefore not subject to a double patenting rejection.

Claims 1, 10 and 17 have been rejected as anticipated by US 6,622,307 to Ho. Nowhere does Ho show or suggest:

"control means for dynamically detecting an available frequency band on said transmission medium",

as specifically recited in Claim 1 as amended. Rather, Ho generates an RF-modulated signal that occupies any selectable frequency band or channel, as set forth in column 9, lines 15-22. It is therefore clear that Ho does not affect the patentability of Claim 1 as amended.

Similarly, nowhere does Ho show or suggest:

"dynamically detecting an available frequency band on said transmission medium",

as specifically set forth in Claim 10 as amended. It is therefore clear that Ho does not affect the patentability of Claim 10 as amended.

Similarly, nowhere does Ho show or suggest:

“control means for dynamically detecting an available frequency band on said transmission medium”,

as specifically set forth in Claim 17 as amended. It is therefore clear that the patentability of Claim 17 as amended is not affected by Ho.

Subclaims 2, 11 and 18 have been rejected under 35 USC 103 as unpatentable over Ho in view of US 6,481,013 to Dinwiddie et al.

However, nowhere does Dinwiddie et al show or suggest any control means for dynamically detecting an available frequency band on said transmission medium, as set forth in parent Claims 1, 10 and 17 as amended, much less Claims 2, 11 and 18. It is therefore clear that Dinwiddie et al does not affect the patentability of Claims 1, 10 and 17 as amended, much less, subclaims 2, 11 and 18.

Claim 22 has been rejected under 35 USC 103 as unpatentable over Ho in view of US 6,493,873 to Williams et al. Nowhere do either Ho or Williams et al show or suggest;

“a controller operative to dynamically detect an available frequency band on said coaxial cable, wherein said available frequency band is used to provide said processed analog signals to said client device”,

as specifically recited in Claim 22 as amended. Ho has been discussed above. Williams et al performs a frequency scan at turn-on, and stores the results in a non-volatile memory. See column 12, lines 1-3. Nowhere does Williams et al dynamically detect an available frequency band. It is therefore clear that even if the structures of Ho and Williams et al were to be combined, the patentability of Claim 22 would not be affected.

Subclaims 6, 15 and 21 have been rejected under 35 USC 103 as unpatentable over Ho in view of US 6,622,307 to Ehreth. Ho has been discussed above. Nowhere does Ehreth show or suggest any means for dynamically detecting an available frequency band on a transmission medium, as recited in parent Claims 1, 10 and 17, as amended . It is therefore clear that Ehreth does not affect the patentability of Claims 1, 10 to and 17 as amended, much less the patentability of Claims 6, 15 and 21.

Claims 2-9, 29 and 30 are dependent from Claim 1 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 1 as amended.

Similarly, Claims 11-16 are dependent from Claim 10 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 10 as amended.

Similarly, Claims 18-21 are dependent from Claim 17 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 17 as amended.

Similarly, claims 23-28 are dependent from Claim 22 and add further advantageous features. The applicants submit that these subclaims are patentable as their parent Claim 22 as amended.

No fee is believed to have been incurred by virtue of this response, other than the fee for the extension of time. However, if a fee is incurred, please charge such fee against the Applicants' Deposit Account No. 07-0832.

The Applicants submit that the Application is now in condition for allowance. A notice to that effect is respectfully solicited.

Respectfully submitted,  
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